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FAX TRANSMISSION**DATE:** September 15, 2006**PTO IDENTIFIER:** Application Number 10/623,011-Conf. #4612
Patent Number**Inventor:** Yasushi KOJIMA et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP
Anthony A. Laurentano**PHONE:** (617) 227-7400**Attorney Dkt. #:** NGW-009**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal (1 page)
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Certificate of Transmission (1 page)

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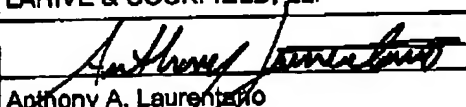
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/623,011-Conf. #4812
	Filing Date	July 17, 2003
	First Named Inventor	Yasushi KOJIMA
	Art Unit	1745
	Examiner Name	C. K. Lee
Total Number of Pages In This Submission		Attorney Docket Number NGW-009

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/Incomplete Application☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):Response to Restriction Requirement
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Firm Name	LAHIVE & COCKFIELD, LLP		
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Printed name	Anthony A. Laurentiano		
Date	September 15, 2006	Reg. No.	38,220

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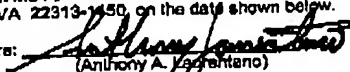
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Dated: September 15, 2006 Signature: 
(Anthony A. Esposito)

Docket No.: NGW-009
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Yasushi Kojima *et al.*

Application No.: 10/623,011

Confirmation No.: 4612

Filed: July 17, 2003

Art Unit: 1745

For: APPARATUS AND METHOD FOR
PROTECTING FUEL CELL

Examiner: C. K. Lee

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed August 17, 2006 (Paper No. 20060807).

The Examiner has required restriction between the following inventions in the above-identified application:

- Group I encompassing claims 1-3 which is drawn to a fuel cell (classified in Class 429 Subclass 22); and
- Group II encompassing claims 4-6 drawn to a method of using a fuel cell (classified in Class 429, Subclass 13).

Accordingly, Applicants hereby elect Group I, claims 1-3 for continued examination, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not

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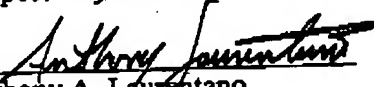
Docket No.: NGW-009

independent. Applicants respectfully assert that a single search of pertinent prior art would appear to suffice for all aspects of the invention. Specifically, the various Groups appear to be so interrelated that a single examination would not appear to place a serious burden on the Examiner. Therefore, Applicant urges the Examiner to reconsider and withdraw the restriction requirement.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Dated: September 15, 2006

Respectfully submitted,

By 
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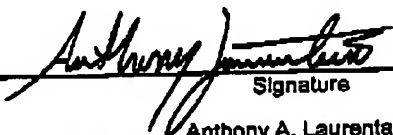
Application No. (If known): 10/623,011

Attorney Docket No.: NGW-009

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